

Subject Department of Human Services Disability Services Policy Bill

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## Overview

This bill modifies the corporate foster care moratorium; MnCHOICES assessments; home and community-based standards; and CFSS.

## Summary

Section	Description
1	<p><b>Licensing moratorium.</b></p> <p>Amends § 245A.03, subd. 7. Removes an exemption from the corporate foster care moratorium allowing for new foster care licenses to transition people from PCA to home and community-based services. Provides an immediate effective date.</p>
2	<p><b>Applicability.</b></p> <p>Amends § 245D.03, subd. 1. Modifies the lists of basic support services and intensive support services under the home and community-based services standards to include additional services under certain disability waivers and changes terminology from “behavioral support services” to “positive support services.”</p>
3	<p><b>Requirements for intensive support services.</b></p> <p>Amends § 245D.071, subd. 1. Modifies the requirements for intensive support services. Provides an immediate effective date.</p>
4	<p><b>Assessment and initial service planning.</b></p> <p>Amends § 245D.071, subd. 3. Requires an annual discussion of how technology might be used to meet the person’s required outcomes. Removes language requiring a summary of this discussion to be included in the coordinated service and support plan and instead requires the summary to be included in the support plan addendum.</p>
5	<p><b>Positive support professional qualifications.</b></p> <p>Amends § 245D.091, subd. 2. Changes terminology from “behavior professional” to “positive support professional” and from “behavioral support services” to “positive support services.” Expands the list of disability waivers these services may be provided</p>

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	under. Modifies positive support professional qualifications by adding persons with additional qualifications to the list of persons who may provide positive support services.
6	<b>Positive support analyst qualifications.</b> Amends § 245D.091, subd. 3. Changes terminology from “behavior analyst” to “positive support analyst” and from “behavioral support services” to “positive support services.” Expands the list of disability waivers these services may be provided under. Modifies the list of qualifications for a positive support analyst.
7	<b>Positive support specialist qualifications.</b> Amends § 245D.091, subd. 4. Changes terminology from “behavior specialist” to “positive support specialist” and from “behavioral support services” to “positive support services.” Expands the list of disability waiver these services may be provided under. Modifies the list of qualifications for a positive support specialist.
8	<b>Authorization for foster care setting.</b> Amends § 256B.0652, subd. 10. Modifies the list of home care authorization prohibitions. Provides an immediate effective date.
9	<b>Assessment; defined.</b> Amends § 256B.0659, subd. 3a. Modifies the definition of “assessment” under the PCA program to allow certified assessors to complete the required assessment during the transition to the new assessment tool, called MnCHOICES.
10	<b>Definitions.</b> Amends § 256B.0911, subd. 1a. Modifies the definition of “long-term care consultation services” by including all of the home and community-based services waivers, changing terminology from “Disability Linkage Line” to “Disability Hub,” and removes determination of institutional level of care and other service eligibility from the list of long-term care consultation services. Provides an August 1, 2019, effective date.
11	<b>Assessment and support planning.</b> Amends § 256B.0911, subd. 3a. Makes technical and terminology changes to the MnCHOICES assessment, requires the person’s legal representative to provide input during the assessment interview, modifies requirements related to provider input into the assessment, requires the certified assessor and the individual responsible for developing the coordinated service and support plan to ensure the person has timely access to needed resources, specifies the timeline for completing the plan, and includes the developmental disabilities waiver under a provision allowing face-to-face assessments conducted as part of an eligibility determination to be valid to establish service eligibility for up to 60 calendar days.

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12	<p><b>Long-term care reassessments and community support plan updates.</b></p> <p>Amends § 256B.0911, subd. 3f. Requires the certified assessor and the individual responsible for developing the coordinated service and support plan to ensure the continuity of care for the service recipient and to complete the updated community support plan and the updated coordinated service and support plan no more than 60 days from the reassessment visit.</p>
13	<p><b>Implementation of coordinated service and support plan.</b></p> <p>Amends § 256B.0915, subd. 6. Modifies the timeline for the elderly waiver client to be provided with a written copy of the coordinated service and support plan.</p>
14	<p><b>Coordinated service and support plan.</b></p> <p>Amends § 256B.092, subd. 1b. Modifies the timeline for the home and community-based services waiver recipient to be provided with a written copy of the coordinated service and support plan.</p>
15	<p><b>Case management.</b></p> <p>Amends § 256B.49, subd. 13. Modifies the timeline for home and community-based services waiver recipients to be provided with a written copy of the coordinated service and support plan.</p>
16	<p><b>Assessment and reassessment.</b></p> <p>Amends § 256B.49, subd. 14. Modifies requirements related to provider input into the MnCHOICES assessment process for clients.</p>
17	<p><b>Applicable services.</b></p> <p>Amends § 256B.4914, subd. 3. Modifies the list of applicable services under the DWRS to update terminology and alphabetize the list.</p>
18	<p><b>Exceptions.</b></p> <p>Amends § 256B.4914, subd. 14. Clarifies the timeline for lead agencies to act on an exception request and modifies the list of information that must be included in an exception request under the DWRS. Provides an August 1, 2019, effective date.</p>
19	<p><b>Definitions.</b></p> <p>Amends § 256B.85, subd. 2. Modifies the definitions of “activities of daily living,” “CFSS service delivery plan,” “extended CFSS,” and “participant’s representative.”</p>
20	<p><b>Eligibility for other services.</b></p> <p>Amends § 256B.85, subd. 4. Makes clarifying changes.</p>

<b>Section</b>	<b>Description</b>
21	<b>Assessment requirements.</b> Amends § 256B.85, subd. 5. Modifies the timeline for the lead agency to communicate the results of an assessment and any recommendations or authorizations for CFSS in writing to the participant.
22	<b>CFSS service delivery plan.</b> Amends § 256B.85, subd. 6. Modifies requirements related to the CFSS service delivery plan.
23	<b>Determination of CFSS service authorization amount.</b> Amends § 256B.85, subd. 8. Modifies requirements related to additional service units provided for behavior.
24	<b>Noncovered services.</b> Amends § 256B.85, subd. 9. Modifies the list of noncovered services under the CFSS program to allow for certain exceptions for services provided in licensed foster care.
25	<b>Agency-provider and FMS provider qualifications and duties.</b> Amends § 256B.85, subd. 10. Clarifies that agency-providers and financial management services providers must meet provider training requirements as determined by the commissioner. Requires providers to request reassessments at least 60 days before the end of the current authorization for CFSS.
26	<b>Agency-provider model.</b> Amends § 256B.85, subd. 11. Requires the agency to make a reasonable effort to fulfill the participant's request for the participant's preferred worker.
27	<b>Agency-provider model; support worker competency.</b> Amends § 256B.85, subd. 11b. Requires agency-providers to maintain evidence of support worker orientation and instruction related to performing tracheostomy suctioning and services to participants on ventilator support.
28	<b>Requirements for enrollment of CFSS agency-providers.</b> Amends § 256B.85, subd. 12. Modifies agency-provider enrollment requirements. Removes language requiring the commissioner to send annual review notifications to agency providers 30 days prior to renewal.
29	<b>CFSS agency-provider requirements; notice regarding termination of services.</b> Amends § 256B.85, subd. 12b. Extends the termination of services written notice requirement from ten to 30 calendar days. Makes a technical change.

<b>Section</b>	<b>Description</b>
30	<p><b>Financial management services.</b></p> <p>Amends § 256B.85, subd. 13a. Requires financial management services providers to provide written notice to the participant at least 30 calendar days before a proposed service termination becomes effective.</p>
31	<p><b>Participant’s representative responsibilities.</b></p> <p>Amends § 256B.85, by adding subd. 14a. Paragraph (a) lists the circumstances under which a participant’s representative is required.</p> <p>Paragraph (b) lists the requirements a participant’s representative must meet.</p> <p>Paragraph (c) lists who may not be a participant’s representative.</p> <p>Paragraph (d) allows a licensed family foster parent who lives with the participant to be the participant’s representative if the family foster parent meets the other participant’s representative requirements.</p> <p>Paragraph (e) allows two people to be designated as the participant’s representative.</p> <p>Paragraph (f) requires the participant or the participant’s legal representative to appoint a participant’s representative.</p> <p>Paragraph (g) requires the participant’s representative to enter into a written agreement with an agency-provider or financial management service to perform certain duties.</p> <p>Paragraph (h) allows a participant’s representative to delegate the responsibility to another adult and specifies limitations and requirements related to the delegation.</p> <p>Paragraph (i) specifies the designation of the participant’s representative remains in place until certain actions take place.</p> <p>Paragraph (j) allows a lead agency to disqualify a participant’s representative who engages in conduct that creates an imminent risk of harm to the participant, the support workers, or other staff. Requires a participant’s representative who fails to provide support required by the participant to be referred to the common entry point.</p>
32	<p><b>Worker training and development services.</b></p> <p>Amends § 256B.85, subd. 18a. Requires services to be delivered by an individual competent to perform, teach, or assign the tasks identified, including health-related tasks, in the plan through education, training, and work experience relevant to the person’s assessed needs.</p>
33	<p><b>Revisor instruction; correcting terminology.</b></p> <p>Instructs the revisor to change the term: (1) “developmental disability waiver” or similar terms to “developmental disabilities waiver” or similar terms; and (2) “Disability Linkage</p>

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34	<p>Line” or similar terms to “Disability Hub” or similar terms wherever they appear in Minnesota Statutes and to make technical and other necessary changes to sentence structure to preserve the meaning of the text.</p> <p><b>Revisor instruction; PCA transition to CFSS.</b></p> <p>Instructs the revisor of statutes, in consultation with others, to prepare legislation for the 2020 legislative session to repeal laws governing the consumer support grant program and PCA program, correct cross-references, remove obsolete language, and, as necessary, provide for the transition from the PCA program to CFSS. Provides an immediate effective date.</p>



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